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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,865	07/14/2003	Dharma Shukla	5486-0147PUS1	6961
67321 7590 06/16/2008 BIRCH, STEWART, KOLASCH & BIRCH, LLP PO Box 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
WOOD, WILLIAM H				
ART UNIT		PAPER NUMBER		
2193				
MAIL DATE		DELIVERY MODE		
06/16/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/618,865

Applicant(s)

SHUKLA ET AL.

Examiner

William H. Wood

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 29-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 29-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-8 and 29-39 are pending and have been examined.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 17 April 2008 has been entered.

Election/Restrictions

2. As previously indicated in previous office action mailed, 29 January 2007.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-8 and 37-39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s)

contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Independent claim 1 recites, "without developer involvement". This is not supported by the originally filed Specification. Applicant has not demonstrated the language or general meaning of the language ("without developer involvement" in the context of the claim) to be supported by the originally filed disclosure. The cited paragraph (05) is merely a general statement of desirable outcomes. It does not state "without developer involvement". Additionally, newly added claim 39 has not been shown to have support in originally filed specification (Applicant has cited paragraphs 0044-0046, though the entirety of the claim is not supported there).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8 and 29-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jabri** (US Patent Application Publication 2002/0066074 A1) in view of **Hollingsworth** et al. (USPN 5,444,836). The rejections are

substantially maintained as previously indicated in office action mailed 29 January 2007. Newly amended claim limitations are rejected as follows.

Claim 1

A method for designing a process, comprising:

(a) designing a model for a process with a visual display surface without developer involvement (*paragraph 0026*);

(b) generating a high-level code emission for the process with an association between the model for the process and an user-selected supported, inserted graphical shape-construct corresponding to a visual image; the process being specified by a the visual image on the visual display surface (*paragraph 0034*); and

(c) transforming the high-level code emission into computer-executable instructions through, transforming the association between the model and the high-level code emission for the process is transformed into computer-executable instructions (*paragraph 0038*).

Jabri did not explicitly state:

determining a first contextual evaluation whether the supported, inserted graphical shape-construct of step (b) is compatible with any previously selected supported, selected graphical shape-construct, and only after having said compatibility is determined.

Hollingsworth demonstrated that it was known at the time of invention to provide a graphical modeling system that validates the semantics of the graphical elements (column 1, lines 52-62; column 2, lines 56-61; and column 3, lines 30-34). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the graphical programming of **Jabri** with semantic analysis as found in **Hollingsworth's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to simplify the development by the user and produce valid models (column 3, lines 30-34).

Other independent claims 29, 34 and 36 are rejected in a corresponding manner.

Claim 37

Jabri and **Hollingsworth** disclose the method of claim 1, further comprising: allowing the user to bypass any high-level error detection and leaving error detection until the high-level code compiles through a compiler (**Hollingsworth**: column 1, lines 52-62; column 2, lines 56-61; and column 3, lines 30-34).

Claim 38

Jabri and **Hollingsworth** disclose the method of claim 1, further comprising: user-selected customization for inserted-graphical shape-constructs, wherein the user may separately add high-level command functions after selecting the user-selected inserted graphical shape-construct (**Hollingsworth**: column 1, lines 52-62; column 2, lines 56-61; and column 3, lines 30-34).

Claim 39

Jabri and **Hollingsworth** disclose the method of claim 1, further comprising: user-selected customization for inserted graphical shape-constructs, wherein the user may initially enter high-level command functions, wherein the association between the model and the high-level code emission for the process is automatically triggered and a shape-construction is activated according to the high-level code (**Jabri**: paragraph 0034).

Response to Arguments

7. Applicant's arguments filed 17 March 2008 have been fully considered but they are not persuasive. Applicant argues: 1) support for previous claim amendments is found in the originally filed disclosure; 2) **Jabri** fails to disclose a visual display and user selected graphical shape-constructs; and 3) **Hollingsworth** fails to disclose contextual evaluation whether the supported, inserted graphical shape-construct of step (b) is compatible with any previously

selected supported, selected graphical shape-construct, and only after having said compatibility is determined.

First, with regard to support for the new claim language (of the claims submitted 25 July 2007), Applicant has not demonstrated the language or general meaning of the language ("without developer involvement" in the context of the claim) to be supported by the originally filed disclosure. The cited paragraph (05) is merely a general statement of desirable outcomes. It does not state "without developer involvement". This phrase is far more narrow and specific than the paragraph suggests (this even allowing for a reasonable usage of differing terminology). Further, the paragraph at most states "remove the software programmer from writing code" (though the paragraph speaks of desires and not implementation this too is likely not even supported for claim language) The paragraph does not indicate "without any and all developer involvement", which is the meaning Applicant appears to now want read into the claims.

Second, **Jabri** discloses visual modeling and thus graphical shape-constructs (paragraphs 0025 and 0026) and this further is carried out by a visual display surface (the visual modeling tool's display).

Third, **Hollingsworth** is cited for and discloses semantics/compatibility of graphical elements (column 1, lines 52-62, "depend on semantic interpretation to be applied to the graphical object"; column 2, lines 56-61 and column 3, lines 30-34). Semantic verification is a form of compatibility

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determination under the broadest reasonable interpretation of the claim language.

Having addressed Applicant's concerns the rejections are maintained as indicated.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 10:00am - 4:00pm Tuesday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis A. Bullock Jr. can be reached on (571)-272-3759. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR systems, see <http://pair-direct.uspto.gov>. For questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

/William H. Wood/
William H. Wood
Primary Examiner, Art Unit 2193
June 14, 2008